No. 87-1993

Supreme Court, U.S.
FILED
MAY 19 1988
JOSEPH F. SPANIOL, JR.

In The Supreme Court Of The United States

_____ TERM, 1988

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WASHINGTON, D.C. 20543

ANTHONY H. ROBINSON,

Petitioner,

v.

VIRGINIA STATE BAR, ex rel
THIRD DISTRICT COMMITTEE,

Respondent.

PETITION FOR WRIT OF CERTIORARI
TO THE SUPREME COURT OF VIRGINIA

Supplemental Appendix B

Craig S. Cooley, Esquire
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Counsel for Petitioner

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Article 6

Revocation or Suspension of Licenses; Disbarment Proceedings.

§54-74. Procedure for suspension or revocation of license. (1) Issuance of rule. -- If the Supreme Court or the Court of Appeals, or any circuit court of this Commonwealth, observes, or if complaint, verified by affidavit, is made by any person to such court of any malpractice or of any unlawful dishonest, unworthy, corrupt or unprofessional conduct on the part of any attorney, or that any person practicing law is not duly licensed to practice in this Commonwealth, such court shall if it deems the case a proper one for such action, issue a rule against such attorney or other person to show cause why his license to practice law shall not be revoked or suspended. If the complaint, verified by affidavit, is made by a District Committee of the Virginia State Bar, such court shall issue a rule against such attorney to show cause why his license to practice law shall not be revoked or suspended.

(2) Judges hearing case. -- At the time such rule is issued the court issuing the same shall certify the fact of such issuance and the time and place of the hearing thereon, to the Chief Justice of the Supreme Court, who shall designate three judges of circuit courts of any circuit other than the circuit in which the case is pending to hear and decide the case.

(3) [Repealed.]

(3a) Prosecution -- Bar Counsel of the Virginia State Bar shall appear at the hearing and prosecute the case. Special counsel may be appointed to prosecute the case pursuant to § 2.1-122 of the Code of Virginia.

(4) Action of court. -- Upon the hearing, if the defendant is found guilty by the court his license to practice law in this Commonwealth shall be revoked, or suspended for such time as the court may prescribe. However, the court, in lieu of revocation or suspension, may, in its discretion, reprimand such attorney.

(5) Appeal. -- The person or persons making the complaint or the defendant, may, as of right, appeal from the judgment of the court to the Supreme Court, by petition based upon a true transcript of the record, which shall be made up and certified as in actions at law. In all such cases where a defendant's license to practice law has been revoked by the judgment of the court, his privilege to practice law shall be suspended pending appeal.

(6) "Any malpractice, or any unlawful, dishonest, unworthy, corrupt or unprofessional conduct," as used in this section, shall be construed to include (i) the improper solicitation of any legal or professional business or employment, either directly or indirectly; (ii) the acceptance of employment, retainer, compensation or costs from any person, partnership, corporation, organization or association with knowledge that such person,

partnership, corporation, organization or association has violated any provision of Article 7 (§ 54-78 et seq.) of this chapter; or (iii) the failure, without sufficient cause, within a reasonable time after demand, of any attorney-at-law to pay over and deliver to the person entitled thereto any money, security or other property which has come into his hands as such attorney. However, nothing contained in this article shall be construed to prohibit in any way any attorney from accepting employment to defend any person, partnership, corporation, organization or association accused or violating the provisions of Article 7 of this chapter.

(7) Representation by counsel. -- In any proceedings to revoke or suspend the license of an attorney under this or the preceding section (§ 54-73) the defendant shall be entitled to representation by counsel. Code of Virginia, 1950, as amended.

VIRGINIA:

IN THE CIRCUIT COURT OF THE
CITY OF RICHMOND
October 21, 1987

VIRGINIA STATE BAR EX REL
THIRD DISTRICT COMMITTEE, Complainant

v. CASE NO. LL1493

ANTHONY H. ROBINSON, Respondent.

ORDER

On September 28, 1987, came on for hearing the Charges of Misconduct certified against Anthony H. Robinson by the Third District Committee of the Virginia State Bar. The hearing was held before the designated panel of three Circuit Court Judges consisting of the Honorable Ligon L. Jones, the Honorable Edward P. Simpkins, Jr. and the Honorable Russell M. Carneal,

presiding as Chief Judge Designate. Notice of the Charges of Misconduct and of the hearing before the Virginia State Bar Disciplinary Board were served upon Anthony H. Robinson in the manner provided by the Rules applicable to this proceeding.

Anthony Robinson appeared in person at the proceeding. Counsel for the Respondent was D. Brock Matthews. Harry M. Hirsch, Assistant Bar Counsel, appeared for the Complainant.

Upon consideration of the testimony and documentary exhibits presented, the Court finds by clear and convincing evidence that:

1. Anthony H. Robinson, the respondent, is an attorney and was licensed to practice in Virginia during all times relative to these proceedings.

2. Respondent undertook representation of Lisa Stokes, a driver of an automobile in a personal injury case and also undertook representation of Cynthia Washington, a passenger in the same vehicle who was injured at the same time.

3. Respondent entered a nolo contendere plea in the traffic matter for Lisa Stokes, the driver of the vehicle, it being determined that the liability for said accident was lodge with the driver of the automobile.

4. Counsel for the insurance company, Christopher C. Spencer, informed respondent of the apparent conflict of interest in representing both the driver and the passenger of the vehicle wherein the driver of the said vehicle was at fault.

5. Respondent refused to acknowledge said conflict and continued representing both parties in the matter.

6. Counsel for the insurance company filed a petition in the General District Court for the City of Richmond, Civil Division, to have respondent removed from the case. Respondent finally acquiesced and withdrew from the matters hereinabove referred.

It is the opinion of the Court that such conduct by Anthony H. Robinson constitutes Misconduct in violation of Disciplinary Rules 5-105(A), 5-105(B) and 5-105(C) of the Revised Virginia Code of Professional Responsibility effective October 1, 1983.

Accordingly, it is ORDERED that the license of Anthony H. Robinson to practice law within the Commonwealth of Virginia, be suspended for a period of twelve (12) months, effective December 1, 1987.

It is further ORDERED that Anthony H. Robinson immediately give notice, by certified mail, of the suspension of his license to practice law in Virginia to all clients for whom he is currently handling matters and to all opposing

attorneys and to the presiding judges in pending litigation, and he shall further make immediate appropriate arrangements for the disposition of those matters presently in his care in conformity with the wishes of his clients, all pursuant to the Rules of the Supreme Court of Virginia, Part Six, Section IV, Paragraph 13(J)(1).

It is further ORDERED that Anthony H. Robinson shall furnish evidence of his compliance hereto to the Virginia State Bar within thirty days from the date of this Order.

It is further ORDERED that an attested copy of this Order shall be mailed by certified mail, return receipt requested to Anthony H. Robinson at his last address of record with the Virginia

State Bar, 321 North 23rd Street, Richmond, Virginia 23223 and to D. Brock Matthews, counsel for Respondent, at 2403 East Grace Street, Richmond, Virginia.

ENTER THIS ORDER THIS 21 DAY OF OCTOBER, 1987.

By /s/Russell M. Carneal

By /s/Ligon L. Jones

By /s/Edward P. Simpkins, Jr.

SEEN:

/s/ Harry M. Hirsch
Assistant Bar Counsel

/s/ D. Brock Matthews
Counsel for the Respondent

/s/ Anthony H. Robinson
Respondent

VIRGINIA:

CIRCUIT COURT OF THE CITY OF RICHMOND
John Marshall Courts Building
January 20, 1988

VIRGINIA STATE BAR, Ex Rel,
Third District Committee, Complainant,

v.

ANTHONY H. ROBINSON, Respondent.

ORDER

THIS DAY CAME the respondent, Anthony Robinson, by counsel, upon respondent's Motion To Stay Execution of the Order of Suspension of October 21, 1987, in the above-captioned case pending appeal.

UPON CONSIDERATION WHEREOF, the Court being of the opinion that respondent's Motion should be granted, it is ORDERED that execution of the Order of Suspension of October 21, 1987, be stayed pending appeal.

It is further ORDERED that a copy of this Order be sent to counsel for the complainant and a copy be sent to the Virginia State Bar.

A Copy,

Teste:

/s/ Iva R. Purdy

Clerk

I ask for this:

D. Brock Matthews, Esquire
P. O. Box 35635
2301 Hicks Road
Richmond, Virginia 23235
(804) 276,4491

CERTIFICATE

Three copies of the foregoing Supplemental Appendix to Petition for Writ of Certiorari to the Supreme Court of Virginia were mailed, postage pre-paid, to Martha Parrish, Esquire, Assistant Attorney General for the Commonwealth of Virginia, 100 North 8th Street, Richmond, Virginia, on this 3rd day of June, 1988.